IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

KEITH KENARD COLEMAN

Plaintiff,

v.

CIVIL ACTION NO. 2:16-cv-09192

NANCY A. BERRYHILL, Acting Commissioner of Social Security,

Defendant.

ORDER

This action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings of fact and recommendations for disposition pursuant to 28 U.S.C. § 636. On January 25, 2018, Judge Tinsley submitted his Proposed Findings & Recommendations [ECF No. 18] ("PF&R") and recommended that the court GRANT the Plaintiff's Brief in Support of Judgment on the Pleadings [ECF No. 14], DENY the Defendant's Brief in Support of Defendant's Decision [ECF No. 15], REVERSE the final decision of the Commissioner, REMAND the case to an ALJ for further consideration and explanation consistent with this opinion pursuant to the fourth sentence of 42 U.S.C. § 405(g), and DISMISS this matter from the Court's docket. Neither party timely filed objections to the PF&R nor sought an extension of time.

A district court "shall make a de novo determination of those portions of the

report or specified proposed findings or recommendations to which objection is made."

28 U.S.C. § 636(b)(1)(C). This court is not, however, required to review, under a de

novo or any other standard, the factual or legal conclusions of the magistrate judge

as to those portions of the findings or recommendation to which no objections are

addressed. Thomas v. Arn, 474 U.S. 140, 150 (1985).

Because the parties have not filed objections in this case, the court accepts and

incorporates herein the PF&R and orders judgment consistent therewith. The court

GRANTS the Plaintiff's Brief in Support of Judgment on the Pleadings [ECF No. 14],

DENIES the Defendant's Brief in Support of Defendant's Decision [ECF No. 15],

REVERSES the final decision of the Commissioner, **REMANDS** the case to an ALJ

for further consideration and explanation consistent with this opinion pursuant to

the fourth sentence of 42 U.S.C. § 405(g), **DISMISSES** the case with prejudice, and

DIRECTS this action to be removed from the docket.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record

and any unrepresented party.

ENTER:

February 14, 2018

JØSEPH R. GOODWJ

UNITED STATES DISTRICT JUDGE

2